

**NEVADA STATE WELFARE DIVISION
PUBLIC HEARING TO ADOPT REGULATIONS**

The Public Hearing to Adopt Regulations was brought to order by Nancy K. Ford, Welfare Administrator, at 9:00 a.m. on Wednesday, June 18, 2003, video-conferenced between the Legislature Building, 401 South Carson Street, Room 2134, Carson City, Nevada, and the Grant Sawyer Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada.

STAFF PRESENT

Nancy K. Ford, Administrator
Gary Stagliano, Deputy Administrator, Program & Field Operations
Leslie Danihel, Chief, Eligibility & Payments
Charlotte Wortman, Chief, Employment & Support Services
Jerry Allen, Chief, Child Care Program
Shannon Coubrough, Chief, Social Work
Sharon Vail, Employee Development Manager
Craig Davis, Weatherization Program, Housing Division
Linda Mercer, LIHEA Program Manager
Nancy Kennison, LIHEA Program Officer
Marta Stagliano, Child Care Specialist
David Castagnola, Child Support Specialist
Miki Primus, Child Support Specialist
Dorothy Edwards, Child Support Specialist
Vicki Kemp, Eligibility & Payments Specialist
Lori Wilson, Employment & Training Specialist
Louise Bush, Staff Specialist
Lynette Giles, Executive Assistant
Robin Roach, Administrative Assistant
Laurie Buck, Deputy Attorney General

GUESTS PRESENT

Judy Martin, NNADV
Carolyn Tyzbir, Citizen
Sue Martin, Housing Division
Carolyn Wilson, Job Opportunities In Nevada
Vicki Losasso, Nevada Women's Lobby
Nancy Davis, Division of Health Care Financing and Policy
Jan Gilbert, Progressive Leadership Alliance of Nevada

Diane Loper, Nevada Women's Lobby
Pam Becker, Children's Cabinet
Joe Johnson, Citizen
Dick Burdette, Governor's Office
Jon Sasser, Washoe Legal Services
Jeff Mohlenkamp, Division of Internal Audits
Thelma Clark, Nevada Silver-Haired Legislative Forum
Kathi Brunson, Clark County District Attorney, Family Support Unit
Ruth Harmon, Nevada Parents Encouraging Parents
Jennifer Skillman, Economic Opportunity Board
Jim Hartzell, Economic Opportunity Board
Alfreda Ferrell, Nevadans For Equal Access
Tiffany L. Hesser, DFS
Natalie Rose, Nevada Parents Encouraging Parents
Richard Sevigny, Clark County
Shawna Parker, Citizen
Jane Horner, Grandparents As Parents
Will Horner, Grandparents As Parents
John Miller, Citizen
Anna Benitez, DFS
Mark Nichols, National Association of Social Workers
Bertha Warrick, Clark County Social Service

Ms. Ford opened the public hearing at 9:00 a.m. She explained the meeting is being video-conferenced between Carson City and Las Vegas and is being broadcast via the Internet. She briefly reviewed the agenda items to be adopted at this hearing. She asked everyone to please sign in as a record of their attendance. Agenda items II, III, and V have been withdrawn and tabled for further study. Items VI and VII will be moved to the end of the agenda.

I. CHILD SUPPORT POLICY MANUAL:

David Castagnola stated the proposed regulation will specify, when there is no information available to determine an arrears allocation, the adjudicated court-ordered child support will be prorated between the Temporary Assistance for Needy Families (TANF) recipient and the Child Support Enforcement Program (CSEP). He explained how the arrears process works. This regulation will be effective upon adoption.

Hearing no public comment, Ms. Ford adopted the regulation on behalf of the Director of the Department of Human Resources.

II. CHILD SUPPORT POLICY MANUAL: *TABLED*

This agenda item on allowing enforcing authorities to recommend support obligations, absent records of actual earnings, be based on Occupational Employment Statistics, when an obligor's occupation is known was tabled to allow further study.

III. CHILD SUPPORT POLICY MANUAL: *TABLED*

The agenda item defining the methodology used by CSEP for assessing and distributing penalties on IV-D program cases was tabled to allow further study

IV. CHILD SUPPORT POLICY MANUAL:

Mr. Castagnola stated this proposed regulation defines the methodology used by CSEP for assessing interest on IV-D Program Child Support cases. He explained the Nevada Revised Statutes (NRS) mandate interest on arrears, how the interest calculation will work and the distribution rules. The effective date of this regulation is July 1, 2004.

Hearing no public comment, Ms. Ford adopted the regulation on behalf of the Director of the Department of Human Resources, effective July 1, 2004.

V. CHILD SUPPORT POLICY MANUAL: *TABLED*

The agenda item allowing the CSEP to return any undeliverable collections to the obligor after 90 days was tabled to allow further study.

VI. LIHEA PROGRAM STATE PLAN:

Linda Mercer explained the Low Income Home Energy Assistance (LIHEA) Program State Plan amendment is proposed to delineate program benefits, eligibility criteria, available energy assistance and other policy changes occurring in the program administered by the Welfare Division in state fiscal year (SFY) 2005. The effective date of the LIHEA State Plan is July 1, 2004. She stated she will not review the State Plan page by page, but rather list the major changes.

Page 15 of the State Plan gives the information about the marketing firm being used and associated costs paid for with federal funds. Page 16, items one and two, are new and Ms. Mercer reviewed them both. Page 17, item one stated eligible households shall receive a benefit of no less than \$180. New language in bullet points one and two under Item two are regarding master-metered communities was reviewed. Page 18, paragraph three, states the SFY 2005 median energy burden is 3.06%. The Fixed Annual Credit (FAC) benefit is calculated on pages 18 and 19. Page 22 lists the new telephone number and address for the Carson City LIHEA Office and their new toll-free telephone number. Page 27 adds language to the pre-hearing and hearings section for clarification purposes.

Thelma Clark, Nevada Silver-Haired Legislative Forum, stated she believes the program needs to be overhauled by asking the federal government, via legislative resolution, to increase the federal poverty level. She stated increases in utility bills, prescriptions, rental costs, food, gas and insurance premiums are common, but the poverty level rate does not increase with these rising costs. In lieu of a poverty level increase, Ms. Clark suggested moving the eligibility criteria to 200% of federal poverty level and if agency is unable to make this change, the division should ask 2005 Legislature to do so. The Sprint LifeLine Program's eligibility criteria was increased from 150% to 175% of the federal poverty level two years ago and she is asking them to raise it to 200%. Since there are funds available from the Universal Energy Charge (UEC) and possibly LIHEA, she is willing to go to 2005 Legislature to ask for an increase in the percentage of the federal poverty level for eligibility in the Energy Assistance Program (EAP) to give more people help with their utility costs. She also asked the federal poverty level amounts be printed on the application so people will know in advance whether or not they qualify for assistance. She also requested applications be sent to her so she can distribute them to those who live in her mobile home park. Ms. Ford stated the eligibility level of 150% of the federal poverty level for UEC is a state statute and cannot be changed without legislature approval. Ms. Mercer said the federal LIHEA eligibility guidelines allow 150% of poverty or 60% of state's median income. Ms. Ford said there has been national discussion about changing the federal poverty level as it may no longer be an accurate reflection of the current poverty levels. She commented the Welfare Division has already submitted Bill Draft Requests (BDR) for the 2005 legislative session and the deadline for any more submissions has already passed. But Ms. Ford said it would be good for Silver-Haired Forum to submit a request. Ms. Ford also stated the federal eligibility rules must be followed for the LIHEA Program. Ms. Clark said any requested resolution would be to the federal government from the Nevada Legislature to give it more meaning to Congress. She will recommend the Silver-Haired Forum bring these changes to the attention of the 2005 Legislature.

Jon Sasser commented on the LIHEA and UEC State Plans at once, as he had to leave the meeting early. He complimented staff on the changes made and appreciates the efforts made by staff. He has been frustrated by the funding carry-over amount in the EAP, but understands federal funds must be spent before UEC. He thinks the proposals

in both State Plans are positive steps forward. He suggested expanding eligibility limits or giving more funding to the Weatherization Program if the carry-over funding level does not decline. He again thanked staff for the positive changes in both State Plans.

Hearing no further comments, Ms. Ford adopted the LIHEA State Plan on behalf of the Director of the Department of Human Resources effective July 1, 2004.

VII. NEVADA FUND FOR ENERGY ASSISTANCE & CONSERVATION STATE PLAN:

Ms. Mercer stated the proposed amendments to the Energy Assistance and Conservation State Plan will delineate program benefits, eligibility criteria, available emergency assistance and other policy changes administered jointly by the Welfare Division and the Housing Division's Weatherization Program. The effective date of the Nevada Fund for Energy Assistance and Conservation (NFEAC) State Plan is July 1, 2004.

She stated the changes previously discussed to the LIHEA State Plan are also in NFEAC State Plan. Sections 1.3 and 1.4 address amended language dealing with SAFE and REACH Programs which provide utility assistance. Page 5, Section 2.3, gives a brief definition of arrearage payments. Page 6, Section 2.13, is amended to include referrals to households with established arrearages to a utility company for emergency assistance. Page 8, Section 2.33, adds language for subsidized housing that include utilities. Page 16, referencing master-metered residences, is similar to the LIHEA State Plan, with items one and two providing for a minimum payment of \$180. This section also states subsidized housing households are excluded from receiving energy assistance. Page 19, Section 10.13, raises the SFY 2005 median household energy burden to 3.06% and is reflected in Section 10.14, calculating the FAC. Section 10.15 states a household may not receive less than a \$180 benefit. Section 10.1.3, explains the arrearage assistance program and Ms. Mercer further explained the program and the conditions of eligibility. Page 27, Section 14.1.1, paragraph two adds new language to the State Plan about working with utilities to advance public awareness of EAP and to facilitate eligibility decisions. The typographical error "will work with" has been fixed. Page 29, Section 14.1.4, amends the language in paragraph one. Page 30, Section 15, is amended to include Weatherization and EAP outreach strategies. Sections 15.3 and 15.4 are about EAP only. Section 15.2 addresses outreach information using VitaLink for marketing and outreach for both programs. Page 31, Section 15.3, addresses a change in the language about leveraging community-based organizations and Ms. Mercer read the new language into the record. Section 15.4 states information about receiving assistance with utility bills will be included in other Welfare Division program notifications. Section 15.4.2, describes the interface with the NOMADS system.

Craig Davis, Weatherization Program, stated Section 10.2.6 revises the average costs from \$2,500 per unit to \$2,650 per unit. Section 10.2.14 lowers the average FAC payment established at \$2,500 to \$2,000. Section 7.2 must be changed to read the Community Services Agency (CSA) only operates only in Washoe County and added to the State Plan as an amendment before adoption. Also all counties, except Washoe and Clark counties, must be added to the Rural Nevada Development Corporation. Clark County and the City of Henderson will remain the same. The wording in Section 11.2.3 will state emergency assistance may be provided to dwellings which have four or fewer units per dwelling. Section 16.2.1.1 will be revised to state the number of homes weatherized in SFY 2005 will increase contingent on the availability of funds. He explained this change is because the carry forward from SFY 2003 was expended in SFY 2004.

Richard Sevigny, Clark County Housing Authority, referring to Section 16.2.1.3, asked what programs are demand-side management. Mr. Davis replied funding has not yet been received from the utility companies, but they are working together on training and outreach. Sub-grantees also receive funds from utilities, although Mr. Davis was not sure of exact amount, there are funds set aside for households whose income is over 150% of the federal poverty level. This is only available to residential users.

Ms. Ford read Ernie Neilsen's comments into the record and Joe Johnson provided further input. Mr. Neilsen's first comment was on Section 11.1.3, the arrearage payment program. He felt paragraph four was misleading. Ms. Ford stated this language has been amended to be clearer, read the revised paragraph and provided clarification. Mr. Johnson commented the arrearage program has been confusing to him and believes the new language clearly explains it. Mr. Neilsen's comments further stated there is no sense of direction on collaborative efforts, Section 14. Ms. Ford said this language must be added as the program is evaluated by what is in the State Plan. Mr. Neilsen's next comment was about twelve equal payments to the utility company and Ms. Ford commented this suggestion has been explored, but has been taken out of the State Plan as it is not feasible at this time. However, discussion on this issue can still occur. Mr. Johnson said it is a continuing objective of his to have a payment plan of some sort to the utility companies implemented and will continue to advocate for it. He said it is mentioned in Mr. Neilsen's report and is a concern of his as it does not promote conservation. Ms. Ford said the issue can be further discussed and notifications are sent to the recipient stating if they pay a certain amount to the utilities, the grant monies will last the year and help them move toward self-sufficiency. Mr. Johnson stated most people will not send money to the utility company if a credit is showing on their bill. Ms. Ford replied if something is not in State Plan, it does not mean it cannot be discussed and will be happy to discuss this option in the future.

Mr. Johnson complimented staff on the changes to the NFEAC State Plan and the outreach program. He feels major strides are being made to provide more energy benefits to the needy. He suggested pursuing contracts to non-profit agencies for

outreach efforts. He attended a workshop in California and the program there gave additional funds to agencies who distribute information and help applicants complete applications. He asked the program raise the amount per application given to non-profits for assisting applicants for the next fiscal year, as the contracts for the upcoming fiscal year are already complete. He also stated while the changes in the NFEAC State Plan are good, it still needs to go further.

Mr. Johnson asked if the subsidy to a family in subsidized housing is counted in the rent or does the utility bill actually get paid by the owner. Ms. Mercer stated the subsidized housing resident has their utilities paid by the housing authority or landlord. If utilities costs rise, the rent the household pays does not. If a family is in regular subsidized housing, the rent only goes up if their income goes up because the rent is based on income only. Mr. Johnson asked if the amount a recipient receives as a subsidy payment includes a credit of the estimated utility use or the actual utility bill, even though a subsidized credit for the rent is received and subsidized rent will increase because utilities are included in the payment in non-government subsidized housing. Ms. Mercer said all other subsidized housing residents will be eligible for full FAC or \$180, only those in subsidized housing whose rent includes utilities, i.e., those who do not pay utilities are ineligible. A discussion ensued regarding subsidized housing and whether or not to pay the FAC or minimum \$180 to everyone in subsidized housing.

The other issue Mr. Johnson discussed was Section 16.3.2, Client Education. He said there may be similar programs available. He would feel more comfortable if the program had a more active role in the budgeting portion of the utility payments. He does not agree the responsibility for budgeting is only to high energy users or that sub-grantees are the only defined educators for energy conservation. He suggested adding the wording, "Educate applicants in conservation, giving priority to high energy users", so there is an educational program for general conservation and additional conservation education to those who are high energy users. He also suggested adding "and/or a qualified non-profit" to this section to better utilize the education portion of the program. He knows a sub-grantee will probably be doing the educational training, but would like the opportunity for non-profits to participate in energy conservation education. Mr. Davis replied final word-smithing to this State Plan will be done after meeting. A discussion ensued regarding the proper wording change for the energy conservation education section.

Mr. Johnson applauded the arrearage program, but foresees a problem with over-restrictive interpretation in dealing with the energy burden and FACs. There are no real options to change it and issue different levels of benefits, even though they are statutorily identified. He would like to see the new proposals for arrearages be the same for the energy burden calculation. This issue may have to be further discussed with the 2005 Legislature. Ms. Ford stated if the prior year's energy usage cannot be determined, the median household energy usage for that residence type could be used to determine usage. Mr. Johnson said the message should be relayed to Ms. Clark

because there are several people who did not apply for energy assistance because they think they may not be eligible or only receive a minimal benefit.

Richard Sveginy, asked if the non-profit agencies providing assistance to applicants with completing the applications receive \$10 per application, Ms. Mercer clarified it is only \$5 per application. He then asked what outreach is done for Hispanics. Ms. Mercer replied there are Spanish-speaking workers in both EAP offices, Nevada Hispanic Services is consistently working with the EAP, all outreach information is available in Spanish, the toll-free telephone line is available in Spanish, along with the web-site. He asked if reaction to the marketing plan is being monitored to ensure Hispanics are applying and Ms. Mercer said the information will be tracked.

Ms. Clark asked EAP applications be mailed to her with eligibility criteria in actual dollar amounts, not percentages. She commented she did a survey in a Las Vegas mobile home park to see if the residents could receive utility assistance and found, out of 103 people, an average income of \$1,400 per month. A list of mobile home parks statewide has been sent to the EAP and she believes space rent should be considered as a deduction for utility assistance. The Public Utilities Commission (PUC) has also received copy of the survey. Ms. Mercer explained the application packet has the monthly income guidelines on the cover, but she will also send Ms. Clark a separate sheet of the program's income guidelines along with applications. She will also send her posters and brochures. Ms. Mercer confirmed she received the list of mobile home parks, a mass mailing of applications was done to each of them and several responses have been received.

Hearing no further comments, Ms. Ford adopted the NFEAC State Plan on behalf of the Director of the Department of Human Resources, with changes as noted by Mr. Davis, effective July 1, 2004.

VIII. TANF STATE PLAN:

Ms. Danihel explained the proposed amendment to the Temporary Assistance for Needy Families (TANF) State Plan will increase the payment allowance in the Kinship Care Program to the levels originally granted when the program began in October 2001, which is 90% of the state foster care rate. This change is for each additional child. Ms. Ford stated the handout shows the fiscal impact of this change. This amendment will be effective July 1, 2004.

Jane Horner asked if people receiving Kinship Care benefits will have to reapply due to this change and when will the increase go into effect. Ms. Ford said the increase will go into effect on July 1, 2004 and it is automatic. Ms. Horner then asked if Ms. Kemp would send more brochures to the southern offices and Ms. Danihel said the new brochures will be sent to Ms. Horner and the southern offices for those interested in

applying for the program. Ms. Horner commented it is a scary thought the Kinship Care Program could be discontinued if there is a lack of funding in the future, but thanked staff for making this change.

Carolyn Tisber said her Kinship Care benefits were stopped in May because of income requirements and asked if these requirements are still in effect. Ms. Ford explained the testimony received at workshop on Kinship Care held in April 2004 showed the consensus was to increase the grant amounts. Other choices to expand the program, including lowering the income requirements, will be considered at a later date. Ms. Tisber then stated each case is different, she has many different things she deals with and described the problems she currently has. She then asked if there was a case-by-case consideration for eligibility for the Kinship Care Program. Ms. Ford explained due to some families making much more than others on the program, there is no chance of abolishing the income limits. However, raising the income limits is a possibility in the future. If a case-by-case scenario is adopted, it becomes much more cumbersome and expensive to operate administratively.

Hearing no further comments, Ms. Ford adopted the change to the Kinship Care Program and TANF State Plan on behalf of the Director of the Department of Human Resources effective July 1, 2004.

IX. TANF STATE PLAN:

Ms. Danihel explained the proposed regulation will remove the 30-day conciliation period for caretakers who do not cooperate with the CSEP. She explained the sanction process for TANF assistance has been changed and this proposed change will align the CSEP sanction policy with the current TANF sanction policy. The effective date of the amendment is July 1, 2004.

Jan Gilbert stated the domestic violence advocates are concerned about victims not complying with this policy due to their situations. Ms. Ford replied the good cause clause is still available upon request to victims of domestic violence.

Mr. Sasser stated he understands the rationale for the change but believes it is better policy to give the conciliation period in the CSEP because domestic violence issues may not be disclosed until a later date and therefore making a victim ineligible. He recommended a once in a lifetime conciliation period and opposes this change. Ms. Ford pointed out recipients can reapply for services if their benefits have been stopped. If a once in a lifetime conciliation is given, a recipient could not be receiving assistance for other reasons. The good cause clause is explained to all applicants. Mr. Sasser stated he still disagrees with this policy.

Hearing no further comments, Ms. Ford adopted the TANF State Plan change on behalf of the Director of the Department of Human Resources, effective July 1, 2004.

X. CHILD CARE STATE PLAN & POLICY MANUAL:

Mr. Allen stated this proposed amendment will increase the number of job search contacts a TANF applicant must make while pending TANF benefits, allowing eligible households to receive child care assistance to support the requirement. This amendment coincides with agenda item #14, which was approved before this item was heard. Effective date of this regulation is July 1, 2004.

Hearing no comments, Ms. Ford adopted the amendment to the Child Care State Plan and Policy Manual on behalf of the Director of the Department of Human Resources effective July 1, 2004.

XI. CHILD CARE STATE PLAN & POLICY MANUAL:

Mr. Stagliano explained the proposed amendment will give a standard deduction to Non-Needy Caretaker, Kinship Care and Relative Foster Care grantees against the determination of income eligibility for a child care subsidy. A market rate survey on child care was sent to providers statewide to determine the average cost of care, but all of the surveys have not yet been returned. He explained the recipients in these programs will receive an exclusion of \$425 for infant care, \$398 for toddler care, \$358 for pre-school care, and \$209 for care of school-age children when determining eligibility for child care assistance. Mr. Stagliano stated if the numbers adopted today are inaccurate due to the market rate survey, they will be amended at a future public hearing. The effective date of this regulation is July 1, 2004.

Ms. Ford stated this amendment is designed to give consideration to families caring for relative children to allow them a deduction from the child care income test.

Hearing no comments, Ms. Ford adopted the change to the Child Care Policy Manual on behalf of the Director of the Department of Human Resources, with the changes Mr. Stagliano stated, effective July 1, 2004.

XII. CHILD CARE STATE PLAN & POLICY MANUAL:

Mr. Allen stated the proposed amendment will update the Federal Poverty Level and 185% of TANF Need Standard figures to 2004 levels in the Income Sliding Fee Scale for child care assistance. The proposed figures are consistent with the TANF Program. The amendment is effective July 1, 2004.

Hearing no comments, Ms. Ford adopted the regulation on behalf of the Director of the Department of Human Resources, effective July 1, 2004.

XIII. TANF STATE PLAN:

Ms. Wilson said the proposed amendment will redefine groups paid with state Maintenance Of Effort (MOE) funds in the New Employees of Nevada (NEON) Program. It will expand the state assistance program to include those families unable to participate in the federal work participation rate activities, due to any number of barriers, while receiving all of the same benefits as those whose assistance is paid from the federal TANF Block Grant. These groups include those who are disabled and pending Social Security Income (SSI), adult illness not allowing participation in the NEON Program, an adult household member caring for another, the last trimester of pregnancy, social work cases with three or more barriers, and rural cases with transportation issues. Ms. Ford said a fiscal analysis was done on these cases and the last two groups will still be funded by federal TANF Block Grant funds. The adopted amendment will reflect this change. The effective date of the amendment is October 1, 2004. She also stated this agenda item was held due to the issue of immigrants in the country illegally after 1996 facing domestic violence issues. The division is willing to consider the illegal immigrant domestic violence issue after more information is received from federal government.

Hearing no comments, Ms. Ford adopted the regulation amended to exclude social work cases with three or more barriers and rural cases with transportation issues, on behalf of the Director of the Department of Human Resources effective October 1, 2004.

XIV. TANF STATE PLAN & POLICY MANUAL:

Lori Wilson stated she will be reading from the second page of the handout, Section 813. She explained what Applicant Job Search (AJS) is and the support services provided. When AJS cases were approved there were not enough hours of child care provided to allow participants to meet federal work performance rates. There were concerns discussed at the workshop held and the consensus was to change the amendment to ten job searches per week and three hours of care allowed for each search. Ms. Ford noted this is the agenda item that coincides with agenda item X.

Lori Wilson said the proposed amendment to NEON will clarify Section A-800 of the Eligibility & Payments manual, such as the definition of "countable work activities." She said there are many changes and clarifications. She will stop occasionally for public comment. The effective date of the amendment is July 1, 2004. The changes will affect the OASIS computer system, language clean-up, work participation rate calculations, etc.

The table of contents has been reorganized for ease of reference and grammar changes were made. The general program description was shortened. Section A.11 was added to ensure proper information is provided to clients by their caseworker during the eligibility interview. Section 812, increases screening assessments and allows more flexibility for the offices and workers. Section 813 changes post-eligibility job searches to align them with AJS by removing the rule for women to look for work who are past four months pregnant and a doctor's note is accepted as exemption in this category. A recipient must work 30 hours per week to be exempt, as the current 20 hour rate does not meet the federal work participation rate. A single parent with a child under six must work 20 hours per week in order to meet the federal work participation rate. Judy Martin, NNADV, stated the Welfare Division needs to better notify applicants about the work regulations to receive TANF cash benefits. She believes the applicants are not being properly informed about the family violence option offered by the division and NNADV would like to offer their support to continue to train workers on the family violence option and properly inform people of the domestic violence option available. Lori Wilson explained though the application process has been sped up, the processes and notification of available exemptions has not been stopped. Forms must be completed on every case stating the domestic violence forms have been completed by the applicant. A discussion about the notification of the domestic violence exemption option ensued between Ms. Martin and Lori Wilson.

Changes to Section 813.2 include an increase in the number of hours needed for a complete job search, the ability to count applications submitted to employers by alternative methods, and a client statement will now be accepted regarding the number of applications submitted, unless they are questionable applications. When internal vouchers are distributed, staff will now have five days to process payment. This change allows a longer processing timeframe for any extenuating circumstances which may arise. Participants in the non-custodial parent (NCP) work program can now stay in the program for more than four months with good cause.

Section 814.1.1 updates child care policy to meet the new AJS requirements. Intentional Program Violations (IPVs) will now be issued to those who use child care benefits for other than child care. Section 814.8 extends the time period to claim job retention benefits by an additional six months. Section 815 consolidates all OASIS policy, addresses forms issues, gives instructions on how to obtain a DMV voucher, and includes basic language clean-up. Section 816 clarifies how to properly code eligibility recipients for referrals to Employment & Training. Section 817 adds TANF wording. Section 818 gives the correct codes for minor parents participating in the Serving Teens Achieving Real-Life Success (STARS) Program. Section 819 removes obsolete language. Lori Wilson asked for comments on any section reviewed thus far, none were received.

She continued, stating Section 821 lists the federally defined core activities countable toward the state's work participation rate. Section 825 has been removed as it was confusing to staff. Section 822 on hardships was deleted as it was duplicative. The

Welfare to Work (WtW) Program and its orientation sections were removed, as the program has been moved to the Department of Employment, Training and Rehabilitation (DETR). Section 833.1.2 and 1.4 were deleted as they are obsolete. Section 823 has added clarification to enable staff to identify barriers to employment. The section index has also been updated.

Carolyn Wilson commented the changes to this manual section are logical and will increase flexibility for workers and hopefully their clients. Her concern is some people may not understand all of the program changes and the changes should be used to help recipients instead of creating more barriers. She asked when providing the changes to staff, they also ensure applicants know more barriers are not being created but instead helping them reach self-sufficiency. Ms. Wortman said she agrees with Carolyn Wilson and it is her intention to ensure recipients understand what assistance the division has to offer them and wants the front-line workers to understand the changes and increase the positive things they can do for their clients. Ms. Wortman stated the example of LifeSkills class decisions must currently be made between two vendors in the south. These changes will allow program participants to attend both levels of the LifeSkills classes and allow the classes to be counted toward the state's work participation rate. Carolyn Wilson wants to ensure helping each recipient reach self-sufficiency is still the bottom-line instead of meeting federal work participation rates. Ms. Ford agreed with Carolyn Wilson and believes that is the message being sent to the front-line workers. Changing some assistance categories to MOE to allow recipients with barriers the opportunity to succeed without lowering the state's work participation rate is one example of the many positive changes.

Jon Sasser appreciates the difficult situation the division is in by having to meet federal work participation rates and understands the dilemma. He disagrees with the current federal policy, but knows the Welfare Division must to follow it. He said he appreciates the opportunity to publicly testify and believes these changes will help recipients. He believes the current policy proposals have some problems, such as some recipients working 30 hours in a welfare office. He does not believe 'one size fits all' and would like to see more assessments done before recipients are put into work activities. Orientations can be discouraging and he asked orientation materials include information about the disregards available to recipients who obtain employment. He also requested, on his and Ms. Berkley's behalf, the agency place illegal immigrants who arrived after 1996, are legally in the country and in a domestic violence situation in the MOE category so they may receive benefits immediately instead of five years down the road, as per federal regulation. Ms. Danihel asked about the figures Mr. Sasser said he would provide on this subject. Mr. Sasser replied Professor Thomson has not contacted him yet, as he is in the process of major litigation and is expecting him contact him in the beginning of July. Ms. Danihel reminded him she needs this information to submit a request for a legal opinion and research the fiscal impacts of a change to the policy about illegal immigrants in a domestic violence situation. Ms. Ford said there is nothing stated in these changes mandating recipients to work 30 hours in a welfare office, but

hours worked are left up to the manager and worker based on individual needs. She also commented orientations are attended by staff from legal services in the south and all comments received by them are taken into consideration and incorporated into the orientations.

Ms. Martin asked if higher education is considered an option in meeting the federal work participation rate. Lori Wilson replied it is allowed up to 12 months and must be accompanied by a countable work activity. Homework and study time do count toward the federal work participation rate. Ms. Martin also voiced her concerns about illegal immigrants who are domestic violence victims not receiving benefits. She is asking the Welfare Division to use state funds to extend benefits to this particular group of domestic violence victims, as federal funds cannot be used to fund their benefits. Discriminating against these victims based upon what year they came into the country is unfair. Ms. Ford explained Mr. Sasser is getting information for staff for a fiscal analysis of this group and their request will be seriously considered. Ms. Danihel stated the agency received an informal federal opinion which indicates if this category of illegal immigrants are given benefits, all illegal immigrants must be funded by state funds. The state cannot afford to provide TANF benefits to all illegal immigrants in Nevada. She is awaiting the information from Mr. Sasser to request the federal staff research this matter and issue a formal opinion to ensure this is the case.

Hearing no further comments, Ms. Ford adopted the amendments to the TANF State Plan and the manual section A-800 on behalf of the Director of the Department of Human Resources, effective July 1, 2004.

XV. GENERAL PUBLIC COMMENTS:

No general comments received.

Hearing no further comment, Ms. Ford thanked those in attendance for their participation and closed the public hearing at 11:52 a.m.